

To: Ernesto_Rodriguez@Heinrich.Senate.Gov[Ernesto_Rodriguez@Heinrich.Senate.Gov]
Cc: Quast, Sylvia[Quast.Sylvia@epa.gov]; Levine, Carolyn[Levine.Carolyn@epa.gov]; Zito, Kelly[ZITO.KELLY@EPA.GOV]; EOC Liaison[EOC_Liaison@epa.gov]; R8 Documentation Unit Leader[R08_Documentation_Unit_Leader@epa.gov]
From: Maier, Brent
Sent: Tue 8/18/2015 7:02:58 PM
Subject: U.S. EPA - Link to Frequently Asked Questions on Claims Process and Most Recent Update on Gold King Mine

Ernesto Rodriguez

Office of Senator Martin Heinrich

Ernesto –

As a follow up to our call last Friday, I am attaching the most recent update of August 17, 2015 for the Gold King Mine Response Efforts and also wanted to share with you a link to some **frequently questions about Federal Tort Claims (FTCA) claims processing** which are now posted on the website. I also wanted you to be aware that our Regional Counsel, Sylvia Quast has been in direct conversations with the Navajo Attorney General on the claims process issue and that our Superfund Division Director, Enrique Manzanilla has also been reaching out to Navajo Nation officials.

For the latest information on the response to the Gold King Mine release
www.epa.gov/goldkingmine

Link to Frequent Questions about Federal Tort Claims Act (FTCA) Claims Processing:

<http://www2.epa.gov/goldkingmine/frequent-questions-about-federal-tort-claims-act-ftca-claims-processing>

Contact:
press@epa.gov
(970) 812-3351

For immediate release
August 17, 2015

EPA Update on Gold King Mine Response Efforts for August 17, 2015

The U.S. Environmental Protection Agency is committed to working closely with response agencies and state and local officials to ensure the safety of citizens, respond to concerns and to evaluate impact to water contaminated by the spill. Today EPA provided the following updates:

EPA Staff Deployed

EPA has deployed more than 210 employees and contractors for the response. The U.S. Coast Guard has provided 14 responders. There are also currently at least 20 different state and local agencies involved in the response working to help ensure the health and safety of the public.

The Last 24 Hours

New Mexico announced its determination that drinking water systems and recreational activity along the Animas and San Juan rivers can resume based on water quality sampling results collected by both New Mexico Environment Department and the EPA. Reopening drinking water system intakes and allowing recreational activities is a state and local decision and we believe they have taken appropriate steps in arriving at this decision.

Mine Discharge Treatment

The Gold King Mine is releasing water at the rate of approximately 600 gallons per minute. Water is captured and treated at a system of impoundments before being discharged to Cement Creek.

Plume

EPA is collecting water and sediment samples from Lake Powell near the inlet of the San Juan River. EPA expects no significant impacts to Lake Powell associated with the Gold King Mine release.

Unified Command in Durango, Colorado

Irrigation ditches drawing from The Animas River in Colorado are now open and available for use.

EPA teams continue to collect water samples in the Animas River and in shallow, domestic private wells adjacent to the river.

EPA, state and local response teams continue to evaluate water quality in shallow domestic wells adjacent to the Animas River.

Local Recovery Center for Businesses, Employees & Affected Landowners in Response to the Gold King Mine Release Impacts

La Plata County, with the assistance of the Colorado Department of Local Affairs (DoLA), and with the cooperation of local, state and federal agencies, will open a Recovery Center in Durango on Tuesday, August 18 and Wednesday, August 19 from 10 a.m. to 4 p.m. in the east end of the La Plata County Fairgrounds Exhibit Hall, Main Avenue, Durango Colorado

Staff from local, state and federal agencies noted below will be available to answer questions regarding financial and/or technical assistance related to the Animas River - Gold King Mine release. If you believe that you have suffered an economic loss related to the event, or if you have questions related to water

quality, crops or livestock, individuals will be on hand to offer information and/or assistance.

Services will be directed toward La Plata County businesses, employees and landowners who have been affected by the Gold King Mine release.

Services/Resources will include:

- Environmental Protection Agency-Assistance with Form 95 Claims for Damage for questions concerning loss of income or business.
- Environmental Protection Agency/Colorado Department of Health and Environment- (for questions concerning Water Quality Issues)
- Small Business Development Center/Region 9 Economic Development District/ La Plata County Economic Development Alliance/ Chamber of Commerce (for questions and resources regarding impacts on businesses)
- Colorado State University Extension Service (for information concerning agricultural and ditch issues)
- La Plata County Department of Human Services (for information about local social and financial supports)
- Colorado Department of Labor and Employment/Unemployment Benefits-Southwest Workforce (for information on how to apply for unemployment benefits and job-seeking)

For additional information, please contact the Call Center [970-385-8700](tel:970-385-8700) or email susan.hakanson@co.laplata.co.us

Unified Command in Farmington, New Mexico

For Region 6

EPA has a team of 62 employees consisting of federal on-scene coordinators, water quality experts, technicians and contractors supporting the response to the spill. The information meeting at the Farmington Convention Center was held tonight at 6 pm MT.

EPA continues to collect water quality samples from nine locations in the river near intakes for Aztec, Farmington, Lower Valley Water Users Association, Morning Star Water Supply System and the North Star Water User Association. EPA will continue to sample, analyze, and make data available to support local decision makers moving forward to allow them to make the best informed decisions. Validated sampling data for the Animas and San Juan Rivers from the Northern Border of New Mexico to Navajo Nation collected from Aug. 7 to Aug. 11, 2015 has been released.

Private domestic water well use has resumed based on water quality sampling results from the river collected by both New Mexico Environment Department and the EPA. EPA and NMED tested 114 private domestic wells.

Irrigation ditches along the Animas River have returned to normal irrigation and livestock watering operations. EPA has delivered 1,021,230 gallons of water for irrigation and 29,916 gallons of water for livestock watering.

For Region 9

EPA also has a team of 37 employees of federal on-scene coordinators, community outreach specialists, and other technical experts covering response activities on the Navajo Nation and Lake Powell. They continue to collect surface water and sediment samples in the affected areas. To date, EPA has provided 418,000 gallons agricultural water to impacted areas and approximately 400 bales of hay to date. Community meetings continue in Chapters in the San Juan River corridor. EPA also continues to collect water and sediment samples in the northern area of Lake Powell in coordination with the National Park

Service.

Claims Process Update

A claims process exists for compensating citizens who suffer personal injury or property damage caused by U.S. government actions. The process is available in EPA's regulations at 40 CFR Part 10, and includes guidance on documentation that may be required to support claims for loss of employment and loss of income, among other claims.

Claims for monetary compensation may be filed by submitting a Standard Form 95 specifying the nature of the loss suffered and EPA actions, if known, causing the loss or damage to property.

EPA is not offering immediate reimbursements for damages from the Gold King Mine water and it is not true that if someone submits a claim that by doing so they limit or waive future rights.

EPA's Federal Tort Claims Act (FTCA) regulation provides that a person may amend their claim form at any time prior to reaching a settlement with EPA, or before the person files a lawsuit under the FTCA. Additionally, a person claiming an injury or damage has two years from the date of the event to file a claim with EPA under the FTCA. (40 CFR Part 10).

Standard Form 95 is **not required to present a claim under the FTCA, but it is a convenient format for supplying the information necessary to bring an FTCA claim.** Please note that a completed form must state a claim for money damages in a "sum certain" amount (that is, a specific amount) claimed for personal injury, death, or injury to or loss of property. In addition, if a sum certain is not specified in Standard Form 95 block 12d, or in accompanying information, a submission cannot be considered a valid presentation of a claim.

Although EPA's regulations state that it has six months to resolve a claim, EPA will make every effort to respond to Gold King Mine release claims as soon as possible. Claims must be presented to EPA within two years after the claim accrues.

[Complete the fillable PDF version of Standard Form 95.](#)

R216

Brent Maier

Congressional Liaison

U.S. Environmental Protection Agency, Region IX

75 Hawthorne St. (OPA-3)

San Francisco, CA 94105

Ph: 415.947.4256